

JAP:JMR
F. #2008R00415

M08-1085

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT IN
SUPPORT OF ARREST WARRANTS

JACOB ALLEN,
also known as
"Erica Evans,"
"Saaniya St. Claire"
and "Debra Lacovara,"
and
JHIRMICK CABBAGESTALK,
also known as
"Thomas Blanchard."

Defendants.

EASTERN DISTRICT OF NEW YORK. SS:

KELLI W. WEBB, being duly sworn, deposes and states that she is a Postal Inspector with the United States Postal Inspection Service, duly appointed according to law and acting as such.

Upon information and belief, on or about and between March 2007 and October 2008, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants JACOB ALLEN, also known as "Erica Evans," "Saaniya St. Claire" and "Debra Lacovara," and JHIRMICK CABBAGESTALK, also known as "Thomas Blanchard," did knowingly and intentionally execute a scheme and artifice to defraud one or more financial institutions and to obtain money and funds owned by and under the

custody and control of one or more financial institutions by means of materially false and fraudulent pretenses, representations and promises.

(Title 18, United States Code, Sections 1344 and 2)

The source of your deponent's information and the grounds for her belief are as follows^{1/}:

1. I am a Postal Inspector with the United States Postal Inspection Service and I have been personally involved in the investigation of this matter. I have been a Postal Inspector for approximately three years and I am currently assigned to the Brooklyn Mail Theft Team. The Brooklyn Mail Theft Team focuses on external crimes involving mail theft, identity fraud, bank fraud and mail and wire fraud. This affidavit is based upon my review of records, including numerous financial records, my review of photographs and surveillance footage, and my conversations with witnesses and other law enforcement agents. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest defendants JACOB ALLEN and JHIRMICK CABBAGESTALK, as described in greater detail below, I have not set forth every fact learned during the course of this investigation.

BACKGROUND

2. During the course of my work with the Postal Inspection Service, I have been involved in several investigations of identity theft by means of fraudulent credit card account takeovers. A credit card account takeover is a form of fraud in which an individual contacts the issuing bank for an existing credit card account and presents himself or herself as the credit card account holder through the use of fraudulently obtained identity information. The individual involved in the scheme then changes the address and phone number on the credit account and requests that a new PIN number and/or credit card be mailed to the new address. Once the new credit card is obtained, the individual involved in the scheme makes unauthorized purchases and/or obtains cash advances using the fraudulently-obtained credit card. The individual may also use the fraudulently obtained credit card to make personal payments, including payments for cellular phone service. The individual involved in the scheme may also acquire new credit card accounts by reporting a credit card lost or stolen from the credit card account that he or she took over.

3. Fraudulent credit card account takeovers result in a process called a "charge-off," which forces a bank to absorb the outstanding credit card account balance as a loss.

INVESTIGATION

4. As detailed below, the defendants JACOB ALLEN and JHIRMICK CABBAGESTALK fraudulently took over credit card accounts by using the identities of approximately 25 other individuals. They used the identities of these individuals to fraudulently take over approximately 30 credit card accounts, for a total loss of approximately \$266,057.12. The defendants primarily used three addresses, all located within Brooklyn, New York, to fraudulently take over these credit card accounts.

60 Turner Place

5. The first primary address used by the defendants is 60 Turner Place, Apartment 6G, Brooklyn, New York 11218 (hereinafter, "60 Turner Place"). Through my investigation, I have learned that the defendant JACOB ALLEN has resided at this location from on or about April 2002 to present. On or about March 28, 2007, I interviewed the building manager of 60 Turner Place, who confirmed that "Erica Evans" lived at 60 Turner Place, and he believed that "Erica Evans" was a man dressed as a woman. I spoke with the building manager again on or about August 6, 2008, and he confirmed that "Erica Evans" has resided at 60 Turner Place since April 2002 and that he still resides there.

6. Furthermore, on or about April 3, 2007, I and an NYPD Detective visited 60 Turner Place. The individual at the door stated that he was "Erica Evans," and appeared to be a man dressed as a woman. He stated that no one else lived in the

apartment at that time. As discussed below in paragraph 9, I subsequently learned that "Erica Evans" is the defendant JACOB ALLEN.

7. Two Commerce Bank accounts associated with 60 Turner Place are relevant to this investigation as well. One of those accounts was opened on or about May 7, 2007 in the name of "Saaniya St. Claire," an alias for the defendant JACOB ALLEN. Commerce Bank closed the account due to fraudulent activity. The Commerce Bank account had been opened using a fraudulent Virgin Islands identification card and a Con Edison utility bill for 60 Turner Place. The name on the Con Edison bill was "Siniya Allen Saaniya Q. St. Claire."

8. Con Edison provided me with the last four digits of a social security number used to open the account in the name of "Siniya Allen Saaniya Q. St. Claire." Using those digits and the name "Allen," I found the defendant JACOB ALLEN, an individual with a criminal history and multiple aliases, including "Saaniya St. Claire." My review of arrest photographs for the defendant ALLEN confirmed that he is a man who dresses as a woman, and he was the person who lived at 60 Turner Place when I visited the apartment on or about April 3, 2007.

9. I interviewed the superintendent of 60 Turner Place on or about September 5, 2008. The superintendent positively identified ALLEN as an individual who lives at 60 Turner Place.

10. I have also learned through my investigation that CABBAGESTALK has resided at 60 Turner Place from on or about July 2008 to present. The superintendent of 60 Turner Place positively identified CABBAGESTALK as residing at 60 Turner Place.^{2/}

11. I conducted two reviews of postal administrative records for 30-day periods for 60 Turner Place. The first 30-day review was for the time period on or about and between March 25 and April 25, 2007, and confirmed that 60 Turner Place received mail in the names of "Erica Evans" and "Claire Siniya." The second 30-day review was for the time period on or about and between June 16 and July 15, 2008, and confirmed that 60 Turner Place continues to receive mail in the name of "Saaniya St. Claire," and receives mail in the name of "Jhirmick Cabbagestalk," including medical bills. I also conducted random surveillance of 60 Turner Place on and about and between July and August 2008, and witnessed a silver Chevrolet Equinox registered

² I was involved in the arrest of individuals involved with identity theft in Philadelphia, Pennsylvania on or about December 2007. One of the individuals arrested advised me that CABBAGESTALK was involved in identity theft, and he resided in Philadelphia until approximately November 2007. Another individual arrested for identity theft in Philadelphia shortly after the December 2007 arrest indicated that CABBAGESTALK was living in New York with a "drag queen." I also discovered that CABBAGESTALK had been arrested in Far Rockaway, New York, on or about December 12, 2007 and charged with Possession of a Forged Instrument, NYPL Section 170.25; False Personation, NYPL Section 190.23; and Driving without a Driver's License, NY VTL 0509, Sub 01.

to the defendant CABBAGESTALK parked in the vicinity of 60 Turner Place on three separate occasions.

Mail Drop #1

12. On or about November 30, 2007, a commercial mail receiving account was opened at Supreme Shipping, located at 921 Coney Island Avenue, Brooklyn, New York 11230 (hereinafter, "Mail Drop #1") in the name of Debra Lacovara, a confirmed identity theft victim. A fraudulent Texas non-driver's identification card in the name of Debra Lacovara, bearing the photograph of ALLEN, dressed as a woman, and a Citibank MasterCard, bearing Lacovara's name and the credit card number of another confirmed identity theft victim, Paul Quartuccio, were used to open the mail receiving account. The applicant listed the telephone number as 347-268-6813 for the mail receiving account.

CABBAGESTALK provided this phone number to the Nassau County Police Department during his arrest on or about January 19, 2008.^{3/} Additionally, this telephone number is in the name of Thomas Blanchard, another confirmed identity theft victim.

³ On or about January 19, 2008, the defendants were arrested by the Nassau County Police Department at Roosevelt Field in Garden City, New York. ALLEN was charged with three counts of Forgery in the Second Degree, NYPL Section 170.10; two counts of Petty Larceny, NYPL Section 155.25; Identity Theft in the Second Degree, NYPL Section 190.79; and two counts of Possession of a Forged Instrument, NYPL Section 170.25. CABBAGESTALK was charged with Possession of a Forged Instrument, NYPL Section 170.25 and Petty Larceny, NYPL Section 155.25. Those charges are still pending against the defendants.

Mail Drop #2

13. On or about March 24, 2008, a second commercial mail receiving account at Mailboxes of Park Slope, located at 328 Flatbush Avenue, Brooklyn, New York 11238 (hereinafter, "Mail Drop #2") was opened in the name of Thomas Blanchard. A fraudulent Colorado non-driver's identification card in Thomas Blanchard's name, bearing CABBAGESTALK's photograph, and a Bank of America Visa credit card in the name of Thomas Blanchard was used to open the mail receiving account. The applicant also provided the telephone number 215-910-6165 when opening the mail receiving account. In March 2008, this telephone number was used to call individuals located in Rocky Mount, North Carolina, where CABBAGESTALK previously resided.

Capital One Accounts

14. On or about and between October 2007 and October 2008, three credit card accounts issued by Capital One Bank (hereinafter, "Capital One") were taken over. Approximately \$3,304.13 in unauthorized purchases and cash advances were made using these fraudulently-obtained credit card accounts. As a result of this fraudulent activity, Capital One charged-off approximately \$3,304.13, or the total amount of unauthorized purchases and cash advances.

15. In taking over these Capital One accounts, the perpetrators employed the same scheme or artifice to defraud as

discussed above. For example, on or about October 2007, an individual contacted Capital One via telephone and falsely represented himself or herself as an account holder by the name of Catherine Romano. The individual changed the address on record for Romano's credit card account to 60 Turner Place and requested that Capital One send a credit card for that account to that address. Additionally, the phone number associated with the credit card account was changed to 718-772-2576. This phone number was provided by ALLEN on or about December 2, 2006 in a complaint that he filed with the NYPD. Additionally, ALLEN provided this phone number to the NYPD after he was in an automobile accident in Manhattan, New York on or about June 21, 2007. ALLEN also provided this phone number and the address of 60 Turner Place on or about June 10, 2008 when he posted bail for CABBAGESTALK relating to his arrest on or about June 10, 2008.^{4/} Approximately \$2,075.04 in unauthorized purchases and cash advances using Catherine Romano's card account were made. As a result of this fraudulent activity, Capital One charged-off approximately \$2,075.04, or the total amount of unauthorized purchases and cash advances made on Romano's credit card.

⁴ On or about June 10, 2008, the defendants were arrested by the NYPD in Manhattan, New York. ALLEN was charged with Criminal Possession of Stolen Property, NYPL Section 165.40, and CABBAGESTALK was charged with Forgery, NYPL Section 170.10; Grand Larceny, NYPL Section 155.35; Identity Theft, NYPL Section 190.79; and Criminal Possession of Stolen Property, NYPL Section 165.50. Those charges are still pending against the defendants.

Citibank Accounts

16. On or about and between April 2007 and October 2008, eleven credit card accounts issued by Citibank, N.A. (hereinafter, "Citibank") were taken over. Approximately \$103,316.70 in unauthorized purchases and cash advances were made using these fraudulently-obtained credit card accounts. As a result of this fraudulent activity, Citibank charged-off approximately \$103,316.70, or the total amount of unauthorized purchases and cash advances.

17. In taking over these Citibank accounts, the perpetrators employed the same scheme or artifice to defraud as discussed above. For example, on or about February 2008, an individual contacted Citibank via telephone and falsely represented himself or herself as an account holder by the name of David Ben David. The individual changed the address on record for Ben David's credit card account to Mail Drop #1, and requested that Citibank send a credit card for that account to that address. The telephone number for the credit card account was changed to 347-268-6813. Telephone records reveal that the telephone number is in the name of Thomas Blanchard. CABBAGESTALK provided this telephone number to the Nassau County Police Department when he was arrested on or about January 19, 2008.

18. Through my investigation, I was able to obtain surveillance footage of the individuals making unauthorized purchases at Citibank ATM machines using Ben David's credit card. I believe the individuals in the surveillance footage are the defendants ALLEN and CABBAGESTALK based on comparisons made of still photographs taken from the surveillance footage with the driver's license photograph and arrest photographs for CABBAGESTALK and the arrest photographs for ALLEN.

19. Approximately \$19,630.15 in unauthorized purchases and cash advances using Ben David's credit card account were made, including an unauthorized purchase of a Hewlett Packard laptop. The merchandise purchased from Hewlett Packard was delivered to Mail Drop #1. As a result of this fraudulent activity, Citibank charged-off approximately \$19,630.15, or the total amount of unauthorized purchases and cash advances made on Ben David's credit card accounts.

GE Money Bank Accounts

20. On or about and between March 2007 and October 2008, 14 credit card accounts issued by GE Consumer Finance (hereinafter, "GE Money Bank") were taken over. Approximately \$150,281.41 in unauthorized purchases and cash advances were made using these fraudulently-obtained credit card accounts. As a result of this fraudulent activity, GE Money Bank charged-off

approximately \$150,281.41, or the total amount of unauthorized purchases and cash advances.

21. In taking over these GE Money Bank credit card accounts, the perpetrators employed the same scheme or artifice to defraud as discussed above. For example, on or about July 2007, an individual contacted GE Money Bank via telephone and falsely represented himself or herself as an account holder by the name of Irwin Waranch. The address on record for Waranch's credit card account was changed to 60 Turner Place, and the individual requested that GE Money Bank send a credit card for the account to that address. Approximately \$26,374.18 in unauthorized purchases and cash advances using that credit card account were made, including unauthorized purchases at Dell Computers. The merchandise purchased from Dell Computers was shipped to 60 Turner Place.

22. The individual who took over Irwin Waranch's credit card account then reported the first credit card as lost, and requested that GE Money Bank issue a new credit card with a new account number. The individual then reported the second credit card as lost, and requested that GE Money Bank issue another credit card with a new account number. GE Money Bank sent the new credit card to 60 Turner Place. Approximately \$4,743.48 in unauthorized purchases at such businesses as Nordstrom, Macy's and Bloomingdales were made on or about

November 2007 on that credit card. Through my investigation, I was able to obtain surveillance footage of the individuals making unauthorized purchases at Nordstrom and Bloomingdales using the credit card. I believe the individuals in the surveillance footage are the defendants ALLEN and CABBAGESTALK based on comparisons made of still photographs taken from the surveillance footage with the driver's license photograph and arrest photographs for CABBAGESTALK and the arrest photographs for ALLEN.

23. On or about January 2008, another request was made to GE Money Bank to issue a new credit card with a new account number in the name of Irwin Waranch. GE Money Bank sent the new credit card to Maildrop #1. Approximately \$14,172.54 in unauthorized purchases or cash advances using this credit card were made. As a result of this fraudulent activity, GE Money Bank charged-off approximately \$45,290.20, or the total amount of unauthorized purchases and cash advances made on Waranch's credit card accounts.

Nordstrom Account

24. On or about January 2008, an account issued by Nordstrom fsb (hereinafter, "Nordstrom") was taken over. The perpetrator contacted Nordstrom and falsely represented himself or herself as an account holder by the name of Edda Ingrao. A PIN number for the account was then requested and sent to

Maildrop #1. Approximately \$3,611.88 in unauthorized purchases and cash advances were made using Ingrao's credit card, including unauthorized purchases at Roosevelt Field in Garden City, New York. As discussed above, the defendants ALLEN and CABBAGESTALK were arrested by the Nassau County Police Department on or about January 19, 2008 in the course of making unauthorized purchases at Roosevelt Field using Ingrao's credit card. As a result of this fraudulent activity, Nordstrom charged-off approximately \$3,611.88, or the total amount of unauthorized purchases and cash advances made on Ingrao's credit card.

Washington Mutual Account

25. On or about July 2008, an account issued by Washington Mutual (hereinafter, "Washington Mutual") was taken over. The perpetrator contacted Washington Mutual and falsely represented himself or herself as an account holder by the name of Huerece Gardner. The address on record for Gardner's credit card account was changed to 60 Turner Place, and the telephone number for the credit card account was changed to 347-866-9166. This telephone number's billing address is Mail Drop #2. Approximately \$5,543.00 in unauthorized purchases and cash advances using Gardner's credit card account were made, including cash advances made at Washington Mutual ATM machines.

26. Through my investigation, I was able to obtain still photographs of the individuals making unauthorized cash

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advances at Washington Mutual ATM machines using Gardner's credit card. I believe the individual in the still photographs is the defendant CABBAGESTALK based on comparisons made of the still photographs with the driver's license photograph and arrest photographs for CABBAGESTALK.

WHEREFORE, your deponent respectfully requests that arrest warrants issue for the defendants JACOB ALLEN, also known as "Erica Evans" and "Saaniya St. Claire," and JHIRMICK CABBAGESTALK, also known as "Thomas Blanchard," so that they may be dealt with according to law.


KELLI W. WEBB
Postal Inspector
U.S. Postal Inspection Service

Sworn to before me this
3rd day of December, 2008


UNIT
EAST

S. Levy

JUDGE
YORK